

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

EDWARD FINLEY, #65042, and
LEODIAS EDWARDS, #25155

Plaintiffs,

vs.

STATE OF NEVADA, ex rel., NEVADA
DEPARTMENT OF CORRECTIONS, *et al.*

Defendants.

3:14-cv-00011-MMD-WGC

ORDER

The Court having been advised that the case has not been resolved during the stay, this prisoner civil rights action shall proceed forward.

IT THEREFORE IS ORDERED:

1. That, upon the Court's finding that each plaintiff is unable to pay a substantial initial partial filing fee, the applications (## 2 & 3) to proceed *in forma pauperis* are GRANTED, subject to the remaining provisions herein. Plaintiffs shall not be required to pay an initial partial filing fee. However, even if this action is dismissed, each plaintiff still must pay a full \$350.00 filing fee pursuant to 28 U.S.C. § 1915(b)(2).

2. That plaintiffs are permitted to maintain this action to a conclusion without the necessity of prepayment of any additional fees or costs or the giving of security therefor. This order granting *in forma pauperis* status shall not extend to the issuance of subpoenas at government expense.

3. That, pursuant to 28 U.S.C. § 1915(b)(2), the Nevada Department of Corrections shall pay to the Clerk of the United States District Court, District of Nevada, 20% of the preceding month's

1 deposits to the account of **EDWARD FINLEY, #65042** (in the months that the account exceeds
2 \$10.00) until a full \$350.00 filing fee has been paid by him for this action.

3 4. That, pursuant to 28 U.S.C. § 1915(b)(2), the Nevada Department of Corrections also
4 shall pay to the Clerk of the United States District Court, District of Nevada, 20% of the preceding
5 month's deposits to the account of **LEODIAS EDWARDS, #25155** (in the months that the account
6 exceeds \$10.00) until a full \$350.00 filing fee also has been paid separately by him for this action.

7 5. That the Clerk shall **SEND** a copy of this order to the Finance Division of the Clerk's
8 Office. The Clerk shall also **SEND** a copy of this order to the attention of the **Chief of Inmate Services**
9 **for the Nevada Department of Corrections, P.O. Box 7011, Carson City, NV 89702.**

10 6. That the stay previously entered herein is lifted and that, within **twenty-one (21)** days
11 of entry of this order, the Attorney General's Office shall file a notice advising the Court and plaintiff
12 of: (a) the names of the defendant(s) for whom it accepts service; (b) the names of the defendant(s) for
13 whom it does **not** accept service, **and** (c) the names of the defendant(s) for whom it is filing last-known-
14 address information under seal. As to any of the named defendant(s) for whom the Attorney General's
15 Office cannot accept service, the Office shall file, under seal, the last known address(es) of those
16 defendant(s) for whom it has such information.

17 7. If service cannot be accepted for any of the named defendant(s), plaintiff shall file a
18 motion identifying the unserved defendant(s), requesting issuance of a summons, and specifying a full
19 name for the defendant(s). For the defendant(s) as to which the Attorney General has not provided
20 last-known-address information, plaintiff shall provide the full name **and** address for the defendant(s).

21 8. If the Attorney General accepts service of process for any named defendant(s), such
22 defendant(s) shall file and serve an answer or other response to the remaining claims within sixty (60)
23 days from the date of this order.

24 9. That, henceforth, plaintiff shall serve upon defendants' counsel a copy of every pleading,
25 motion or other document submitted for consideration by the Court and shall attach a certificate of such
26 service with the paper submitted. Plaintiff shall direct service to the individual attorney named in the
27 notice of appearance, at the address stated therein. The Court may disregard any paper received by a
28 judge that has not been filed with the Clerk and any paper which fails to include a certificate showing

1 proper service. Moreover, all requests for relief sought must be sought by motion rather than by letter.

2 The Court may disregard any requests for relief presented by letter rather than by motion.

3 DATED: April 30, 2014

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7 WILLIAM G. COBB
8 United States Magistrate Judge
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